

**Department of  
Veterans Affairs**

# Memorandum

Date: **AUG 30 2007**

From: Assistant Secretary for Information and Technology (005)

Subj: Processing High-Visibility/Sensitive FOIA Requests (WebCIMS 380797)

To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. This memorandum provides guidance on processing high-visibility/sensitive Freedom of Information Act (FOIA) requests. A high-visibility/sensitive FOIA request is defined as a request for records related to sensitive or controversial issues facing VA or matters of significant impact on agency operations. Mainly, requests for such records from members of Congress (not related to constituent inquiries), the media, or individuals (excluding Privacy Act requests) in connection with pending or future litigation. This is not an all-inclusive list; requests for records that have received significant media attention should be reviewed thoroughly.

2. Upon receipt of such requests, the receiving facility will promptly notify and provide a copy of the request to the Director, Records Management Service (RMS) (005R1B), and, if appropriate, the VACO FOIA officer for the respective administration or staff office. The Director, RMS, acting on behalf of the Chief FOIA Officer, will notify the Office of the General Counsel (OGC), the Office of Public and Intergovernmental Affairs, and other VA components, as deemed necessary.

3. It is essential that all stakeholders are notified and communicate with each other before processing any high-visibility/sensitive FOIA request. This will ensure that high-visibility/sensitive FOIA requests, especially those involving multiple VA offices, are processed in a consistent and uniform manner. No action (including communicating with the requester) should be taken on a high-visibility/sensitive FOIA request until all stakeholders as discussed above are notified of the request and have determined the best course of action for processing the request.

4. At the administrative level, all decisions made with regard to initial processing (e.g. fee waivers, expedited processing, and perfection of the request in compliance with agency regulations) of high-visibility/sensitive FOIA requests, other than requests for records related to litigation, shall be made by the Director, RMS. Consultation with the OGC at this stage is inappropriate.

5. This guidance was developed with comments from OGC. These guidelines are for coordination purposes only, and do not supersede or modify current regulations and policies pertaining to processing of all other FOIA requests (VA Handbook 6300.3, *Procedures for Implementing the Freedom of Information Act*, paragraph 2d). VA Handbook 6300.3 is inconsistent with this memorandum and is being revised.

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6. If there are any questions, please contact Ms. Sally Wallace, ADAS for Privacy and Records Management (005R1) and Chief FOIA Officer or Mr. John Livornese, Director, Records Management Service (005R1B) at (202) 461-7453.

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Robert T. Howard